

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRY DENHAM BOYES,  
Petitioner,  
vs.  
GREGORY SMITH, WARDEN,  
NORTHERN NEVADA RESTITUTION  
CENTER; AND JAMES G. COX,  
DIRECTOR, NEVADA DEPARTMENT  
OF CORRECTIONS,  
Respondents.

No. 67291

**FILED**

JUN 10 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER DISMISSING PETITION*

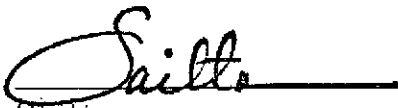
Petitioner Terry Denham Boyes seeks a writ of mandamus directing respondents to assign him to the "305 program" for alcohol treatment and residential confinement pursuant to NRS 209.425 through NRS 209.429. Boyes asserts that he met the qualifications for the 305 program, and consequently, assignment to the 305 program was mandatory one year prior to his eligibility for parole pursuant to NRS 209.427(1). Boyes asserts that the Department of Corrections acted in an arbitrary and capricious manner when it determined that the timing for release is not one year prior to eligibility for parole, but rather one year prior to the mandatory parole release date.


The State represents that since the filing of the instant petition, Boyes resubmitted his application for the 305 program, it was approved and he was to be transported to the Department of Probation and Parole on April 29, 2015. Because Boyes has been assigned to the 305 program, the case is moot as this court is unable to grant effective relief. *See Personhood Nev. v. Bristol*, 126 Nev., Adv. Op. 56, 245 P.3d 572, 574 (2010) (recognizing that a case that initially presented a live controversy

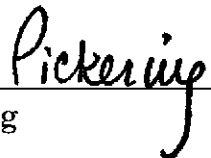
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may be rendered moot by subsequent events). We conclude that Boyes' argument against dismissing the petition as moot is without merit as he has failed to demonstrate that the issue is likely to arise again and that the challenged action is too short in duration to be fully litigated prior to its natural expiration. See *Stephens Media, LLC v. Eighth Judicial Dist. Court*, 125 Nev. 849, 858, 221 P.3d 1240, 1247 (2009). Accordingly, we

ORDER the petition DISMISSED.

 J.  
Saitta

 J.  
Gibbons

 J.  
Pickering

cc: Law Office of Tammy M. Riggs, PLLC  
Attorney General/Carson City